

HOUSE BILL No. 1757

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-20-3-2.

Synopsis: Asbestos statute of repose. Removes a provision restricting the statute of repose exception in asbestos product liability cases to persons who both mined and sold asbestos.

Effective: July 1, 2001.

Hasler, Liggett

January 17, 2001, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1757

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 34-20-3-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) A product
3 liability action that is based on:
4 (1) property damage resulting from asbestos; or
5 (2) personal injury, disability, disease, or death resulting from
6 exposure to asbestos;
7 must be commenced within two (2) years after the cause of action
8 accrues. The subsequent development of an additional asbestos related
9 disease or injury is a new injury and is a separate cause of action.
10 (b) A product liability action for personal injury, disability, disease,
11 or death resulting from exposure to asbestos accrues on the date when
12 the injured person knows that the person has an asbestos related
13 disease or injury.
14 (c) A product liability action for property damage accrues on the
15 date when the injured person knows that the property damage has
16 resulted from asbestos.
17 ~~(d) This section applies only to product liability actions against:~~

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- 1 ~~(1) persons who mined and sold commercial asbestos; and~~
2 ~~(2) funds that have, as a result of bankruptcy proceedings or to~~
3 ~~avoid bankruptcy proceedings, been created for the payment of~~
4 ~~asbestos related disease claims or asbestos related property~~
5 ~~damage claims.~~
6 ~~(c)~~ (d) For the purposes of IC 1-1-1-8, if any part of this section is
7 held invalid, the entire section is void.
8 ~~(f)~~ (e) Except for the cause of action expressly recognized in this
9 section, this section does not otherwise modify the limitation of action
10 or repose period contained in section 1 of this chapter.

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